



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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June 25, 2004

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Agenda No. 13
06/01/04

TO: VIOLET VARONA-LUKENS
Executive Officer
Board of Supervisors

FROM: RAYMOND G. FORTNER, JR.
Chief Deputy County Counsel

RE: **Ordinance Relating to Seizure and Forfeiture of Vehicles Used
in Illegal Dumping or Water Theft**

In accordance with instructions at the meeting of the Board on
June 1, 2004, please find enclosed an analysis and proposed ordinance authorizing
seizure and forfeiture of vehicles used in illegal dumping or water theft.

This ordinance should be scheduled for the Board's agenda of July
6, 2004.

RGF:ADK

Enclosure

c: Steve Cooley, District Attorney
Leroy D. Baca, Sheriff
David E. Janssen, Chief Administrative Office
James A. Noyes, Director Public Works

ANALYSIS

This ordinance creates Chapters 13.80 and 13.81 of the Los Angeles County Code relating to seizure and forfeiture of vehicles used in illegal dumping and water theft.

Chapter 13.80, which provides for seizure and forfeiture of vehicles used in illegal dumping, and Chapter 13.81, which authorizes forfeiture and seizure of vehicles used in water theft:

- classify such vehicles as a public nuisance,
- vest title in the vehicle in the County of Los Angeles,
- specify the circumstances under which the vehicle may be seized,
- establish forfeiture procedures including Superior Court proceedings when a forfeiture is opposed,
- prioritize distribution of sale or settlement proceeds, and
- authorize the District Attorney to resolve proceedings when the District Attorney has determined that the best interests of the County of Los Angeles would be served.

OFFICE OF THE COUNTY COUNSEL

By



ALBERT D. KELLY
Principal Deputy County Counsel

ORDINANCE NO. _____

An ordinance amending Title 13 - Public Peace, Morals and Welfare to add Division 10 Vehicle Seizure and Forfeiture, Chapter 13.80 - Illegal Dumping - Motor Vehicle Seizure and Forfeiture and Chapter 13.81 - Theft of Water - Motor Vehicle Seizure and Forfeiture.

The Board of Supervisors of the County of Los Angeles ordains as follows:

Section 1. Division 10 Motor Vehicle Seizure and Forfeiture and within Division 10, Chapters 13.80 and 13.81 are hereby added to Title 13 - Public Peace, Morals and Welfare to read as follows:

Chapter 13.80

Illegal Dumping – Motor Vehicle Seizure and Forfeiture

Sections:

13.80.010. Findings.

13.80.020. Definitions.

13.80.030. Abatement of Nuisance Vehicle by Seizure and Forfeiture.

13.80.040. Vesting of Title.

13.80.050. Seizure of Vehicle.

13.80.060. Forfeiture and Notice of Intended Forfeiture of Vehicle.

13.80.070. Claim Opposing Forfeiture and Court Proceedings.

13.80.080. Disposal of Vehicle and Distribution of Proceeds.

13.80.090. Stolen Vehicles.

13.80.100. Recovery of Monetary Loss

13.80.110. Discretion of the District Attorney.

13.80.120. Severability.

13.80.010 Findings. The board of supervisors of the County of Los Angeles has determined that:

- residents of the County of Los Angeles have complained about the nuisances created in their neighborhoods by vehicles that are used to dump bulky items and potentially hazardous materials in their neighborhoods;
- illegal dumping activities pose a danger to public health and safety, decrease property values, lower the quality of life, and contribute to urban blight;
- materials that are illegally dumped create a nesting area for rodents, insects, and other vermin while impacting the proper drainage of runoff, polluting local beaches, and making areas more susceptible to flooding when draining basins become clogged;
- persons who use their vehicles for illegal dumping create unhealthful conditions and blight in communities, thereby negatively impacting the quality of life of residents and leading to reduction of property values;

- illegal dumping activities also place an undue burden on the County of Los Angeles, which spends hundreds of thousands of dollars every year in cleanup, public education, and enforcement costs;
- in spite of the proactive steps, such as installation of cameras and increased patrol taken by the County of Los Angeles in attempts to curtail illegal dumping, the problem persists; and
- illegal dumping activities and vehicles used in those activities are a public nuisance and the seizure and forfeiture of vehicles that are used for illegal dumping will abate the nuisances caused by this activity in that the vehicles used for these purposes will no longer be available and furthermore, other persons contemplating engaging in illegal dumping will be deterred from using vehicles for these purposes.

13.80.020 Definitions.

As used in this chapter the following terms are defined as:

- A. "Authorized public officer" is a peace officer with authority to arrest under California Penal Code §§830 through 830.14, inclusive or as each of those statutes may be amended or reenacted.
- B. "Bulky item" is any discarded furniture, home or industrial appliance or abandoned vehicle or a part of an abandoned vehicle.
- C. "Driver" is any person who drives a vehicle.
- D. "Hazardous material" is any waste as defined in California Health and

Safety Code Section 25117, or as that statute may be amended or reenacted.

E. "Illegal dumping" is the willful throwing, dropping, placing or depositing of a bulky item, hazardous waste or solid waste on public or private property not designated for that dumping or disposal purpose. "Illegal dumping" does not include the discarding, dropping, or scattering of small quantities of waste matter ordinarily carried on or about the person, including, but not limited to, beverage containers and closures, packaging, wrappers, wastepaper, newspapers, and magazines and including waste matter that escapes or is allowed to escape from a container, receptacle, or package, or a vehicle used for any of those purposes.

F. "Solid waste" is all putrescible and non-putrescible solid, semisolid and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, dewatered, treated or chemically fixed sewage sludge, which is not hazardous waste, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes.

G. "Vehicle" is any transportation device that requires the driver to have in his or her immediate possession a valid driver's license for the appropriate class of vehicle being driven and which transportation device is equipped with a motor.

H. "Public agency" is any federal, state or local government agency present in Los Angeles County.

13.80.030 Abatement of Nuisance Vehicle by Seizure and Forfeiture.

A. Any vehicle used for the purpose of illegal dumping is a nuisance and the

vehicle shall be enjoined and abated as provided in this section.

B. Any vehicle used to transport any bulky item, any hazardous waste or solid waste for the purpose of illegal dumping is a nuisance and the vehicle shall be enjoined and abated as provided in this section.

C. Any person or his or her servant, agent, or employee who owns, leases, conducts or maintains any vehicle used for any of the purposes or acts set forth in this section is responsible for creating a public nuisance.

13.80.040 Vesting of Title.

All rights, title and interest in any vehicle described in section 13.80.030 shall vest in the County of Los Angeles upon commission of the act giving rise to the nuisance under this chapter.

13.80.050 Seizure of Vehicle.

A. An authorized public officer may seize a vehicle subject to forfeiture under this section upon the issuance of an order by a court having jurisdiction of the vehicle. Seizure without court order may be made in any of the following circumstances:

1. The seizure is incident to an arrest or search under a search warrant;
2. There is probable cause to believe the vehicle was used in violation of this chapter.

B. An authorized public officer seizing a vehicle under this section shall complete a receipt in accordance with Penal Code Section 1412 and deliver it to the person from whose possession the vehicle was seized.

C. An immediate investigation shall be made by the seizing public agency as to any potential claimant to a seized vehicle whose right, title, interest, or lien is of record in this or any other state or appropriate federal agency. Within two business days of the vehicle's seizure, the public agency shall send a notice of seizure to all potential claimants whose right, title, interest or lien did not arise subsequent to the date and time of seizure of the vehicle, if that person or entity was not previously given a notice of seizure, and to the District Attorney for the County of Los Angeles.

D. The notice of seizure shall include the following:

1. The name, address and telephone number of the agency providing the notice;
2. Identifying information for the vehicle seized and the authority and reason for the seizure;
3. A statement that in order to receive their post-seizure hearing, the potential claimant shall request the hearing in person, in writing, or by telephone within ten calendar days of the date of the notice; and
4. The time in which a claim of interest in the vehicle seized or subject to forfeiture is required to be filed.

E. The seizing public agency shall provide any potential claimants discovered as a result of the investigation set out in subsection C of this section with the opportunity for a post-seizure hearing to determine the validity of the seizure. The post-seizure hearing shall be conducted within two business days of the request for the

hearing. The public agency may authorize its own officer or employee to conduct the hearing if the hearing officer is not the same person who directed or participated in the seizure of the vehicle. Failure of the potential claimant to request or attend a scheduled hearing within the appropriate time frame shall satisfy the post-seizure requirement.

F. A vehicle seized pursuant to this section may be held as evidence in any proceeding brought by the District Attorney.

13.80.060 Forfeiture and Notice of Intended Forfeiture of Vehicle.

A. Within 14 days of receipt of the notice of seizure required in section 13.80.050, the District Attorney may pursue the forfeiture of vehicles seized under this chapter, as provided in this section. If the District Attorney does not commence forfeiture procedures under this section within that 14 day period, title shall revert to the owner and the seized vehicle shall be returned to the owner.

B. If the District Attorney determines that forfeiture of the seized vehicle is warranted, the District Attorney shall serve a notice of intended forfeiture upon any person who has an interest in the seized vehicle. The notice shall be served as soon as practicable, but in any event within 30 calendar days of the seizure of the vehicle subject to forfeiture.

C. The notice of intended forfeiture shall be served as follows:

1. By personal delivery or certified mail, return receipt requested, upon any person who has an interest in the seized vehicle as determined pursuant to Subsection 13.80.050C.

2. In the event that the person entitled to service refuses to accept certified return receipt mail or cannot be personally served, service may be made by substituted service. Substituted service may be accomplished by any one of the following methods:

a. By leaving a copy during usual business hours at the recipient's business with the person who is apparently in charge, and by thereafter mailing by first class mail a copy to the recipient where the copy was left; or

b. By leaving a copy at the recipient's dwelling or usual place of abode, in the presence of a competent member of the household and thereafter mailing by first class mail a copy to the recipient at the address where the copy was left.

3. If the person entitled to service lives out of state and will not accept certified return receipt mail, then service may be made by first class mail.

4. If the person entitled to notice cannot be located, or service cannot be effected as set forth in this subsection, service may be made by publication in a Los Angeles newspaper of general circulation. Service shall be deemed sufficient when it is accomplished pursuant to Government Code Section 6063.

13.80.070 Claim Opposing Forfeiture and Court Proceedings.

A. A person claiming an interest in the seized vehicle must within ten calendar days from the date of the notice of intended forfeiture or within 30 calendar days from the date of first publication of the notice of intended forfeiture, file with the Superior Court of the county in which the vehicle was seized, a Claim Opposing

Forfeiture, verified in accordance with Section 446 of the Code of Civil Procedure, stating his, her or its interest in the vehicle. An endorsed copy of the claim shall be served upon the District Attorney within ten calendar days of the filing of the claim.

B. If a verified claim is filed in accordance with this section, the forfeiture proceeding shall be set for hearing within 30 calendar days from the date the claim is filed with the court. The District Attorney shall file a petition for forfeiture with the court within ten calendar days of service of the claim upon the District Attorney. A copy of the petition shall be served upon the claimant.

C. The hearing shall be before the Superior Court of Los Angeles County. The provisions of the Code of Civil Procedure shall apply to proceedings under this section unless otherwise inconsistent with the provisions or procedures set forth in this section. However, in proceedings under this section, there shall be no joinder of actions, coordination of actions, except for forfeiture proceedings, or cross-complaints, and the issues shall be limited strictly to the questions related to this section. Trial shall be by court or jury.

D. With respect to vehicles described in Subsection B for which forfeiture is sought and as to which forfeiture is contested, the District Attorney shall have the burden of proving by a preponderance of the evidence that the vehicle was used as set forth in section 13.80.030.

E. Upon proof that the vehicle was used for any of the purposes set forth in section 13.80.030, the court shall declare the vehicle a nuisance and order that the

vehicle be forfeited, sold, and the proceeds distributed as set forth in section 13.80.080. The court may make a different distribution of the proceeds if the court finds that the claimant did not know that the vehicle was used for a purpose that constitutes a violation of this chapter.

F. If no claims are timely filed, the District Attorney shall prepare a written declaration of forfeiture of the vehicle to the county. A written declaration of forfeiture signed by the District Attorney under this section shall be deemed to provide good and sufficient title to the forfeited vehicle. The proceeds from the disposal of the vehicle declared forfeited by the District Attorney shall be distributed in accordance with section 13.80.080. The District Attorney ordering forfeiture pursuant to this section shall provide a copy of the declaration of forfeiture to any person who received notice of the forfeiture proceedings.

13.80.080 Disposal of Vehicle and Distribution of Proceeds.

In all cases where vehicles seized pursuant to this section are forfeited to the county, the vehicles shall be sold, or if cash is paid as settlement in lieu of forfeiture of the vehicle, the proceeds of sale or settlement shall be distributed and used in decreasing order of priority as follows:

- A. To pay costs associated with the towing, storage and release of any vehicle seized under this section.
- B. To pay costs associated with the sale of the vehicle.
- C. For the vehicle forfeited to pay a lien holder of record, if any, up to the

amount of his, her, or its unsatisfied lien on the vehicle.

D. The remaining funds shall be distributed as follows:

1. First, to the District Attorney in an amount equal to all expenditures, other than personnel costs or costs provided for in subsection A, B and C, made or incurred in connection with the enforcement of this section, including but not limited to, costs for equipment, investigation, supplies, litigation, insurance and liability resulting from enforcement of this section and costs of publication of the notices set forth in section 13.80.060.

2. Second, to the public agency which has seized a vehicle under this chapter in an amount equal to all expenditures, other than personnel costs or costs provided for in subsection A, B and C, made or incurred in connection with enforcement of this section, including but not limited to, costs for equipment, investigation and supplies related to enforcement of this section.

3. Of any remaining funds, 60% to the seizing public agency, 25% to the District Attorney and 15 % to the County of Los Angeles general fund, provided that such funds shall be used for the purpose of abating or deterring illegal dumping and may not be used for personnel costs.

E. For budgeting purposes, funds attributable to this ordinance shall not be considered anticipated general fund revenue.

13.80.090 Stolen Vehicles.

A vehicle that has been reported stolen, prior to a seizure under this chapter

shall not be subject to forfeiture unless the identity of the registered owner cannot be reasonably ascertained or the registered owner fails to redeem the vehicle within 60 days of the seizure. The registered owner of the vehicle may claim the vehicle upon payment of tow storage and release charges, provided the vehicle is not subject to any holds for traffic or parking violations and the vehicle registration is current.

13.80.100 Recovery of Monetary Loss.

Nothing in this section shall preclude an owner of a vehicle who suffers a monetary loss from the forfeiture of a vehicle under this section from recovering the amount of the actual monetary loss from the person who committed the act giving rise to forfeiture under this section.

13.80.110 Discretion of the District Attorney.

From the time the District Attorney receives the notice of seizure referred to in section 13.80.050 to the final decision in forfeiture proceedings the District Attorney has discretion to resolve all proceedings under this chapter on such terms as may be, in the judgment of the District Attorney, in the best interests of the County of Los Angeles.

13.80.120 Severability.

If any provision of this chapter is found to be invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

Chapter 13.81

Theft of Water - Motor Vehicle Seizure and Forfeiture

Sections:

13.81.010. Findings.

13.81.020. Definitions.

13.81.030. Abatement of nuisance vehicle by seizure and forfeiture.

13.81.040. Vesting of title.

13.81.050. Seizure of vehicle.

13.81.060. Forfeiture and notice of intended forfeiture of vehicle.

13.81.070. Claim opposing forfeiture and court proceedings.

13.81.080. Disposal of vehicle and distribution of proceeds.

13.81.090. Stolen vehicles.

13.81.100. Recovery of monetary loss.

13.81.110. Discretion of the district attorney.

13.81.120. Severability.

13.81.010 Findings.

The board of supervisors of the County of Los Angeles has determined that use of a motor vehicle in the theft of water:

- A. Increases the incidence of theft of water;
- B. Increases the difficulty of prevention, investigation and prosecution of theft

of water which increases the cost of each to law enforcement and prosecution agencies within the County of Los Angeles;

C. When water is taken from a utility system, increases the cost of water to legitimate customers;

D. Increases the risk of conveying unhealthful water to persons in the community; and

E. Is a public nuisance and the seizure and forfeiture of vehicles that are used for theft of water will abate the nuisances caused by this activity in that the vehicles used for these purposes will no longer be available and furthermore, other persons contemplating engaging in theft of water will be deterred from using vehicles for these purposes.

13.81.020 Definitions.

As used in this chapter the following terms are defined as:

A. "Authorized public officer" is a peace officer with authority to arrest under California Penal Code §§830 through 830.14, inclusive or as each of those statutes may be amended or reenacted.

B. "Driver" is any person who drives a vehicle.

C. "Theft of water" includes, but is not limited to, theft, as that term is defined and limited in §484 of the California Penal Code, of water, and theft of utility services, as defined and limited in California Penal Code §498 where the utility service taken is water service.

1. The seizure is incident to an arrest or search under a search warrant;

2. There is probable cause to believe the vehicle was used in violation of this chapter.

B. An authorized public officer seizing a vehicle under this section shall complete a receipt in accordance with Penal Code Section 1412 and deliver it to the person from whose possession the vehicle was seized.

C. An immediate investigation shall be made by the seizing public agency as to any potential claimant to a seized vehicle whose right, title, interest, or lien is of record in this or any other state or appropriate federal agency. Within two business days of the vehicle's seizure, the public agency shall send a notice of seizure to all potential claimants whose right, title, interest or lien did not arise subsequent to the date and time of seizure of the vehicle, if that person or entity was not previously given a notice of seizure, and to the District Attorney for the County of Los Angeles.

D. The notice of seizure shall include the following:

1. The name, address and telephone number of the agency providing the notice;

2. Identifying information for the vehicle seized and the authority and reason for the seizure;

3. A statement that in order to receive their post-seizure hearing, the potential claimant shall request the hearing in person, in writing, or by telephone within

D. "Vehicle" is any transportation device that requires the driver to have in his or her immediate possession a valid driver's license for the appropriate class of vehicle being driven and which transportation device is equipped with a motor.

E. "Public agency" is any federal, state or local government agency present in Los Angeles County.

13.81.030 Abatement of Nuisance Vehicle by Seizure and Forfeiture.

A. Any vehicle used for the purpose of theft of water is a nuisance and the vehicle shall be enjoined and abated as provided in this section.

B. Any vehicle used to transport stolen water is a nuisance and the vehicle shall be enjoined and abated as provided in this section.

C. Any person or his or her servant, agent, or employee who owns, leases, conducts or maintains any vehicle used for any of the purposes or acts set forth in this section is responsible for creating a public nuisance.

13.81.040 Vesting of Title.

All rights, title and interest in any vehicle described in section 13.81.030 shall vest in the County of Los Angeles upon commission of the act giving rise to the nuisance under this chapter.

13.81.050 Seizure of Vehicle.

A. An authorized public officer may seize a vehicle subject to forfeiture under this section upon the issuance of an order by a court having jurisdiction of the vehicle. Seizure without court order may be made in any of the following circumstances:

ten calendar days of the date of the notice; and

4. The time in which a claim of interest in the vehicle seized or subject to forfeiture is required to be filed.

E. The seizing public agency shall provide any potential claimants discovered as a result of the investigation set out in subsection C of this section with the opportunity for a post-seizure hearing to determine the validity of the seizure. The post-seizure hearing shall be conducted within two business days of the request for the hearing. The public agency may authorize its own officer or employee to conduct the hearing if the hearing officer is not the same person who directed or participated in the seizure of the vehicle. Failure of the potential claimant to request or attend a scheduled hearing within the appropriate time frame shall satisfy the post-seizure requirement.

F. A vehicle seized pursuant to this section may be held as evidence in any proceeding brought by the District Attorney.

13.81.060 Forfeiture and Notice of Intended Forfeiture of Vehicle.

A. Within 14 days of receipt of the notice of seizure required in section 13.81.050, the District Attorney may pursue the forfeiture of vehicles seized under this chapter, as provided in this section. If the District Attorney does not commence forfeiture procedures under this section within that 14 day period, title shall revert to the owner and the seized vehicle shall be returned to the owner.

B. If the District Attorney determines that forfeiture of the seized vehicle is warranted, the District Attorney shall serve a notice of intended forfeiture upon any

person who has an interest in the seized vehicle. The notice shall be served as soon as practicable, but in any event within 30 calendar days of the seizure of the vehicle subject to forfeiture.

C. The notice of intended forfeiture shall be served as follows:

1. By personal delivery or certified mail, return receipt requested, upon any person who has an interest in the seized vehicle as determined pursuant to Subsection 13.81.050C.

2. In the event that the person entitled to service refuses to accept certified return receipt mail or cannot be personally served, service may be made by substituted service. Substituted service may be accomplished by any one of the following methods:

a. By leaving a copy during usual business hours at the recipient's business with the person who is apparently in charge, and by thereafter mailing by first class mail a copy to the recipient where the copy was left; or

b. By leaving a copy at the recipient's dwelling or usual place of abode, in the presence of a competent member of the household and thereafter mailing by first class mail a copy to the recipient at the address where the copy was left.

3. If the person entitled to service lives out of state and will not accept certified return receipt mail, then service may be made by first class mail.

4. If the person entitled to notice cannot be located, or service cannot be effected as set forth in this subsection, service may be made by publication in a Los

Angeles newspaper of general circulation. Service shall be deemed sufficient when it is accomplished pursuant to Government Code Section 6063.

13.81.070 Claim Opposing Forfeiture and Court Proceedings.

A. A person claiming an interest in the seized vehicle must within ten calendar days from the date of the notice of intended forfeiture or within 30 calendar days from the date of first publication of the notice of intended forfeiture, file with the Superior Court of the county in which the vehicle was seized, a Claim Opposing Forfeiture, verified in accordance with Section 446 of the Code of Civil Procedure, stating his, her or its interest in the vehicle. An endorsed copy of the claim shall be served upon the District Attorney within ten calendar days of the filing of the claim.

B. If a verified claim is filed in accordance with this section, the forfeiture proceeding shall be set for hearing within 30 calendar days from the date the claim is filed with the court. The District Attorney shall file a petition for forfeiture with the court within ten calendar days of service of the claim upon the District Attorney. A copy of the petition shall be served upon the claimant.

C. The hearing shall be before the Superior Court of Los Angeles County. The provisions of the Code of Civil Procedure shall apply to proceedings under this section unless otherwise inconsistent with the provisions or procedures set forth in this section. However, in proceedings under this section, there shall be no joinder of actions, coordination of actions, except for forfeiture proceedings, or cross-complaints, and the issues shall be limited strictly to the questions related to this section. Trial shall

be by court or jury.

D. With respect to vehicles described in Subsection B for which forfeiture is sought and as to which forfeiture is contested, the District Attorney shall have the burden of proving by a preponderance of the evidence that the vehicle was used as set forth in section 13.81.030.

E. Upon proof that the vehicle was used for any of the purposes set forth in section 13.81.030, the court shall declare the vehicle a nuisance and order that the vehicle be forfeited, sold, and the proceeds distributed as set forth in section 13.81.080. The court may make a different distribution of the proceeds if the court finds that the claimant did not know that the vehicle was used for a purpose that constitutes a violation of this chapter.

F. If no claims are timely filed, the District Attorney shall prepare a written declaration of forfeiture of the vehicle to the county. A written declaration of forfeiture signed by the District Attorney under this section shall be deemed to provide good and sufficient title to the forfeited vehicle. The proceeds from the disposal of the vehicle declared forfeited by the District Attorney shall be distributed in accordance with section 13.81.080. The District Attorney ordering forfeiture pursuant to this section shall provide a copy of the declaration of forfeiture to any person who received notice of the forfeiture proceedings.

13.81.080 Disposal of Vehicle and Distribution of Proceeds.

In all cases where vehicles seized pursuant to this section are forfeited to the

county, the vehicles shall be sold, or if cash is paid as settlement in lieu of forfeiture of the vehicle, the proceeds of sale or settlement shall be distributed and used in decreasing order of priority as follows:

A. To pay costs associated with the towing, storage and release of any vehicle seized under this section.

B. To pay costs associated with the sale of the vehicle.

C. For the vehicle forfeited to pay a lien holder of record, if any, up to the amount of his, her, or its unsatisfied lien on the vehicle.

D. The remaining funds shall be distributed as follows:

1. First, to the District Attorney in an amount equal to all expenditures, other than personnel costs or costs provided for in subsection A, B and C, made or incurred in connection with the enforcement of this section, including but not limited to, costs for equipment, investigation, supplies, litigation, insurance and liability resulting from enforcement of this section and costs of publication of the notices set forth in section 13.81.060.

2. Second, to the public agency which has seized a vehicle under this chapter in an amount equal to all expenditures, other than personnel costs or costs provided for in subsection A, B and C, made or incurred in connection with enforcement of this section, including but not limited to, costs for equipment, investigation and supplies related to enforcement of this section.

3. Of any remaining funds, 60% to the seizing public agency, 25% to

the District Attorney and 15 % to the County of Los Angeles general fund, provided that such funds shall be used for the purpose of abating or deterring theft of water and may not be used for personnel costs.

E. For budgeting purposes, funds attributable to this ordinance shall not be considered anticipated general fund revenue.

13.81.090 Stolen Vehicles.

A vehicle that has been reported stolen, prior to a seizure under this chapter shall not be subject to forfeiture unless the identity of the registered owner cannot be reasonably ascertained or the registered owner fails to redeem the vehicle within 60 days of the seizure. The registered owner of the vehicle may claim the vehicle upon payment of tow storage and release charges, provided the vehicle is not subject to any holds for traffic or parking violations and the vehicle registration is current.

13.81.100 Recovery of Monetary Loss.

Nothing in this section shall preclude an owner of a vehicle who suffers a monetary loss from the forfeiture of a vehicle under this section from recovering the amount of the actual monetary loss from the person who committed the act giving rise to forfeiture under this section.

13.81.110 Discretion of the District Attorney.

From the time the District Attorney receives the notice of seizure referred to in section 13.81.050 to the final decision in forfeiture proceedings the District Attorney has discretion to resolve all proceedings under this chapter on such terms as may be, in the

judgment of the District Attorney, in the best interests of the County of Los Angeles.

13.81.120 Severability.

If any provision of this chapter is found to be invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

[1381AKCOC]

REQUEST FOR COUNTY COUNSEL ACTION

June 2, 2004

5# DMM
June 22
RENT
June 1105-1

TO: RAYMOND G. FORTNER, JR.
Chief Deputy

FROM: MANUEL A. VALENZUELA
Principal Deputy County Counsel

AGENDA DATE: June 1, 2004

SUBJECT: Ordinance - Forfeiture of Vehicles for Illegal Dumping Activities
and Water Theft

REQUESTED BY: Board

TIME FRAME FOR RESPONSE: 3 Weeks/1 Year

ATTACHMENT(S): Board Motion (Antonovich); Board Minutes (November 12, 2003)

ACTION REQUESTED:

Draft the necessary ordinances authorizing the County to seize and forfeit vehicles when used for illegal dumping activities and water theft for the Board's approval.

Work with the working group (DA, DPW, DHS, Sheriff, County Counsel) to establish a tracking system for the results of the ordinances and report back to the Board with said results in one year.

MAV/

- c: Mr. Main (w/o attachments)
Ms. Wawro (w/o attachments)
Ms. Fesler (w/o attachments)
Mr. Krattli (w/o attachments)
Mr. Weiss (w/ attachments)
Agenda Team (w/o attachments)

MOTION BY SUPERVISOR MICHAEL D. ANTONOVICH

JUNE 1, 2004

On November 12, 2003, this Board directed that a working group, which consisted of the District Attorney, County Counsel, Department of Public Works, Department of Health Services and Sheriff, investigate the feasibility and legal ramifications of adopting an ordinance authorizing the County to seize and forfeit vehicles for illegal dumping activities. In a subsequent motion, on January 27, 2004, the Board modified the November 12th directive to broaden the scope to include additional types of nuisances besides illegal dumping, such as water theft, prostitution, weapons violations and controlled substance offenses.

The working group has completed its report and the joint report by the District Attorney and County Counsel recommends a two phase approach which involves only implementing ordinances for illegal dumping and water theft initially. The second phase would utilize the results of the two ordinances in phase one to better assess the potential effectiveness of implementing the remaining ordinances.

I, THEREFORE, MOVE THAT THE BOARD OF SUPERVISORS:

1. Direct the County Counsel to draft the necessary ordinances authorizing the County to seize and forfeit vehicles when used for illegal dumping activities and water theft for the Board's approval in three (3) weeks;
2. Request the working group, which consisted of the District Attorney, County Counsel, Department of Public Works, Department of Health Services and Sheriff, to establish a tracking system for the results of the ordinances and report back to the Board with said results in one year.

#

MDA:aplc

MOTION

MOLINA

BURKE

YAROSLAVSKY

ANTONOVICH

KNABE



MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Violet Varona-Lukens, Executive Officer
Clerk of the Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

At its meeting held November 12, 2003, the Board took the following action:

4

Supervisor Antonovich made the following statement:

"Illegal dumping is a significant problem in many communities throughout Los Angeles County. Illegal dumping activities pose a danger to public health and safety, decreases property values, lowers the quality of life, and contributes to urban blight. Materials that are illegally dumped create a nesting area for rodents, insects, and other vermin while impacting the proper drainage of runoff, polluting local beaches, and making areas more susceptible to flooding when draining basins become clogged. Illegal dumping activities also place an undue burden on the County, which spends hundreds of thousands of dollars every year in cleanup, public education, and enforcement costs.

"The City of Los Angeles adopted an ordinance to seize and forfeit vehicles used in the act of illegal dumping. While the County has made tremendous progress to reduce illegal dumping, I believe a similar ordinance for the County unincorporated areas would be a valuable tool for law enforcement personnel to have when dealing with the problem of illegal dumping, especially in the Antelope Valley area where the problem has been pervasive."

Therefore, on motion of Supervisor Antonovich, seconded by Supervisor Knabe, unanimously carried (Supervisor Molina being absent), the District Attorney was requested to:

1. Work with County Counsel, the Sheriff, and the Directors of Health Services and Public Works to investigate the feasibility and legal ramifications of the County adopting an ordinance similar to the City of Los Angeles which authorizes the City to seize and forfeit vehicles that are used in illegal dumping activities; and

(Continued on Page 2)

4 (Continued)

2. Report back to the Board within 30 days with a recommendation on the adoption of a similar ordinance by the County to combat illegal dumping in the unincorporated areas of the County, including the Antelope Valley.

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Copies distributed:

- Each Supervisor
- Chief Administrative Officer
- County Counsel
- Sheriff
- Director of Health Services
- Director of Public Works

Letter sent to:

- District Attorney

SYN. NO. _____

AGN. NO. _____

MOTION BY SUPERVISOR MICHAEL D. ANTONOVICH

NOVEMBER 12, 2003

Illegal dumping is a significant problem in many communities throughout Los Angeles County. Illegal dumping activities pose a danger to public health and safety, decreases property values, lowers the quality of life, and contributes to urban blight. Illegally dumped materials create a nesting area for rodents, insects, and other vermin while impacting the proper drainage of runoff, polluting local beaches, and making areas more susceptible to flooding when draining basis become clogged. Illegal dumping activities also place an undue burden on the County, which spends hundreds of thousands of dollars every year in clean-up, public education, and enforcement costs.

- M O R E -

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MOTION

MOLINA

YAROSLAVSKY

KNABE

ANTONOVICH

BURKE

The City of Los Angeles adopted an ordinance to seize and forfeit vehicles used in the act of illegal dumping. While the County has made tremendous progress to reduce illegal dumping, I believe a similar ordinance for the County unincorporated areas would be a valuable tool for law enforcement personnel to have when dealing with the problem of illegal dumping, especially in the Antelope Valley area where the problem has been pervasive.

I, THEREFORE, MOVE that the Board of Supervisors request the District Attorney to:

1. Work with County Counsel, Sheriff's Department, and the Departments of Health Services and Public Works to investigate the feasibility and legal ramifications of the County adopting an ordinance similar to the City of Los Angeles' Ordinance Number 175575 which authorizes the City to seize and forfeit vehicles that are used in illegal dumping activities; and
2. Report back to the Board within 30 days with a recommendation on the adoption of a similar ordinance by the County to combat illegal dumping in the County unincorporated areas, including the Antelope Valley.

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MDA:pnc